IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1983/06

Shashi Kumar Harishyani

Versus

Dinesh Kumar Tanwar

DATE OF ORDER :: 01/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Neeraj Sharma, for petitioner
Mr. Neeraj Joshi for Mr. Rakesh Yadav, for respondent

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Instant petition has been filed assailing order dated 17th July, 2006 whereby his complaint against accused-respondent for offence committed u/s.138 of Negotiable Instrument Act was dismissed in non-prosecution.

It has been contended by counsel for petitioner that from the date of filing complaint, continuously he was pursing the same, but on one solitary occasion, he could not appear on the date of hearing and on that count alone, his complaint was dismissed in non-prosecution.

Counsel for respondent has no objection if complaint is restored and decided on merits.

Accordingly, the misc. petition stands allowed and the order dated 17th July, 2006 is hereby set aside. The matter is remanded back to learned trial Judge who may proceed further with the matter in accordance with law. Complaint stands restored and both the parties are directed to appear before learned trial Judge on 26th November, 2007.

[AJAY RASTOGI],J.